

### ***REMARKS***

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 1, 5, 6 and 10 are now present in this application. Claims 1 and 6 are independent. By this Amendment, claims 1 and 6 are amended. No new matter is involved.

Reconsideration of this application is respectfully requested.

#### **Personal Interview**

Applicant acknowledges with appreciation the courtesies extended by Examiner Stinson to Mr. Robert J. Webster, Reg. No. 46,472, their representative, at the personal interview conducted on January 18, 2008. During the interview, agreement was reached with respect to language which patentably defines over the applied art. That language has been added to claims 1 and 6 to place claims 1, 5, 6 and 10, thereby rendering those claims patentably distinct from the applied art. Examiner Stinson indicated that an update search would have to be made once the Amendment is filed.

#### **Premature Final Rejection**

Applicant respectfully submits that the outstanding Office Action should not have been made a final Office Action. The reason that it was made final is found on page 4, which states that Applicant's amendment necessitated the new ground of rejection. However, the Reply under

37 CFR § 1.116, which was filed on September 10, 2007, and which forms the basis of the outstanding final Office Action, did not contain any amendments whatsoever. It merely contained arguments which the Examiner found persuasive enough to drop the previous rejections under 35 USC § 103, and to require applying newly cited art in new rejections in the outstanding Office Action.

Accordingly, Applicant respectfully submits that the making of the outstanding Office Action a final Office Action was improper, and requests that the finality thereof be withdrawn.

#### Entry of Amendment

Applicant respectfully requests that this Amendment be entered at this stage of the proceeding because (1), as noted above, it is made in reply to an Office Action which should not have been made a final Office Action, and (2) it places the Application in condition for allowance relative to the applied art.

Applicant also notes that, because this Application has had such a thorough search and examination, any further consideration and/or search, will be *de minimis*, and present no significant burden on the Examiner.

Accordingly, it is proper to enter this Amendment.

#### Rejections under 35 U.S.C. § 103

Claims 1, 5, 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

the applied art in view of either U.S. Patent 5,842,358 to Koo et al. ("Koo") or U.S. Patent 4,712,035 to Forbes et al ("Forbes") in view of either U.S. Patent 4,219,752 to Katou or U.S. Patent 5,976,200 to Sakashita et al. ("Sakashita"). This rejection is respectfully traversed.

As noted above, Examiner Stinson indicated that claims 1 and 6, as amended, appear to patentably define over the applied art.

Reconsideration and withdrawal of this rejection of claims 1, 5, 6 and 10 are respectfully requested.

*Additional Cited References*

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 39,538, at (703) 205-8076, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

**Dated: January 28, 2008**

Respectfully submitted,

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